

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SERVANTS OF JESUS AND MARY, INC.,
d/b/a THE FATIMA CENTER

Plaintiff,

ANSWER

v.

Civil No.:18-cv-00731

THE NATIONAL COMMITTEE FOR THE
NATIONAL PILGRIM VIRGIN OF
CANADA, and, THE FATIMA CENTER
U.S.A., INC., and ANDREW CESANEK

Defendants.

Defendant, ANDREW CESANEK, by and through his attorneys,
HAGERTY & BRADY, as and for his Answer to Plaintiff's Verified Amended
Complaint, alleges as follows upon information and belief:

Denies each and every allegation contained in paragraphs 22, 23, 24, 25,
26, 27, 28, 29, 30, 31, 32, 33, 67, 68, 129, 131, 134, 135, 203, 204, 205, 206,
207, 208, 209, 211, 212, 213, 214, 215, 216, 217, 219, 220, 221, 222, 223, 224,
225, 227, 228, 229, 230, 231, 232, 233, 234, 236, 237, 238, and 239 of Plaintiff's
Verified Amended Complaint ("the Amended Complaint").

1. Denies knowledge or information sufficient to form a belief as to
the truth or falsity of the allegations contained in paragraphs numbered: 1, 2,
3, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 34, 35, 36, 37, 38, 39,

40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 69, 70, 71, 72, 73, 74, 75, 76, 80, 87, 88, 89, 90, 96, 97, 98, 99, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 130, 132, 133, 136, 137, 139, 140, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 153, 154, 155, 156, 157, 158, 160, 161, 162, 163, 164, 165, 167, 168, 169, 170, 172, 173, 174, 175, 176, 177, 178, 180, 181, 182, 183, 184, 185, 186, 187, 188, 190, 191, 192, 193, 194, 195, 197, 198, 199, 200, and 201 of the Amended Complaint.

2. Admits the allegations contained in paragraphs 5, 6, 60, 61, 63, 65, 66, 79, and 91 of the Amended Complaint.

3. With respect to paragraphs 138, 145, 152, 159, 166, 171, 179, 189, 196, 202, 210, 218, 226, and 235 of the Amended Complaint, Defendant repeats and realleges each and every admission or denial of the allegations with the same force and effect as though fully set forth herein.

4. With respect to the allegations contained in paragraphs 7, 62, 64, 78, 92, admits that Defendant served on the board of directors of Plaintiff, and admits that Defendant was paid wages through Plaintiff, but denies the characterization of “was an employee of Plaintiff” and each every other allegation contained therein.

5. With respect to the allegations contained in paragraphs 77, 81, 82, 83, 84, 85, and 86, states that the document referenced therein speaks for itself, and denies each and every other allegation contained therein.

6. With respect to the allegations contained in paragraphs 93, 94, and 95, states that the document referenced therein speaks for itself, and denies each and every other allegation contained therein.

7. With respect to the allegations contained in paragraphs 100, 101, and 102, states that the document referenced therein speaks for itself, and denies each and every other allegation contained therein.

AFFIRMATIVE DEFENSES

AS AND FOR A FIRST AFFIRMATIVE DEFENSE, THIS ANSWERING DEFENDANT ALLEGES UPON INFORMATION AND BELIEF

8. The Amended Complaint fails to state a claim against this Defendant upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE, THIS ANSWERING DEFENDANT ALLEGES UPON INFORMATION AND BELIEF

9. Plaintiff has acted in bad faith in bringing this action against this Defendant.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE, THIS
ANSWERING DEFENDANT ALLEGES UPON INFORMATION AND
BELIEF**

10. Plaintiff's claims are barred by the doctrine of unclean hands.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE, THIS
ANSWERING DEFENDANT ALLEGES UPON INFORMATION AND
BELIEF**

11. Plaintiff's claims against this Defendant are barred because Plaintiff's damages, if any, were not caused by this Defendant.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE, THIS
ANSWERING DEFENDANT ALLEGES UPON INFORMATION AND
BELIEF**

12. Plaintiff's claims against this Defendant are barred by the doctrine of equitable estoppel.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE, THIS
ANSWERING DEFENDANT ALLEGES UPON INFORMATION AND
BELIEF**

13. The claims in the Amended Complaint are barred, in whole or in part, because of a failure to mitigate damages, if such damages exist.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE, THIS
ANSWERING DEFENDANT ALLEGES UPON INFORMATION AND
BELIEF**

14. Plaintiff's claims against this Defendant are barred by the doctrine of laches.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE, THIS
ANSWERING DEFENDANT ALLEGES UPON INFORMATION AND
BELIEF**

15. Plaintiff's claims against this Defendant are barred by the doctrine of waiver.

**AS AND FOR AN NINTH AFFIRMATIVE DEFENSE, THIS
ANSWERING DEFENDANT ALLEGES UPON INFORMATION AND
BELIEF**

16. Plaintiff's claims against this Defendant are barred by the business judgment rule.

WHEREFORE, this answering Defendant hereby demands judgment dismissing Plaintiff's Verified Amended Complaint, together with costs and disbursements of this action, and such other and further relief as this Court deems just and proper.

Dated: July 19, 2018
Buffalo, NY

HAGERTY & BRADY

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